

REMARKS

Claims 8-28 are and remain pending in this application. Claims 1-7 are stated as being presently rejected. However claims 1-7 were previously cancelled in the Preliminary Amendment B filed November 19, 2001.

In response to a Notice to File Missing Parts, Applicant's attorney Frank Jordan had contact the Patent Office and was informed that various documents were missing from the file, including Preliminary Amendment B, and that the file would need to be reconstructed. Applicant submitted copies of the previously filed papers on May 22, 2002.

Applicant has reviewed the PAIR system and image file wrapper in response to the presently outstanding Office Action and did not find the Preliminary Amendment B, Marked Specification, and Substitute Specification. In order to facilitate proper consideration of this application, applicant re-submits the Re-submission paper filed on May 22, 2002, which explains the above noted events, along with copies of Preliminary Amendment B, Marked Specification, and Substitute Specification. Additionally, copies of the postcard receipts acknowledging receipt on the May 22, 2002, and November 27, 2001, of the filings by the Patent Office are provided herewith. The documents previously submitted with the Re-submission of May 22, 2002, have now been marked with the following header:

SECOND RE-SUBMISSION FILED ON NOVEMBER 13, 2006,
IN APPLICATION SERIAL NO. 10/004,154.

The Re-submission paper is marked with the header:

RE-SUBMISSION FILED ON NOVEMBER 13, 2006,
IN APPLICATION SERIAL NO. 10/004,154.

In view of the above, applicant respectfully requests the pending claims 8-28 be examined in this application and that the present Office Action be withdrawn as moot in that it is directed to claims no longer pending in this application. applicant is entitled to consideration of the pending claims in the first Office Action.

In light of the foregoing, the application is now believed to be in proper form for allowance of all claims and notice to that effect is earnestly solicited.

Respectfully submitted,
Jordan and Hamburg LLP

By 
Herbert F. Ruschmann
Reg. No. 35,341
Attorney for Applicants

Jordan and Hamburg LLP
122 East 42nd Street
New York, New York 10168
(212) 986-2340

enc: Re-submission paper filed on May 22, 2002, Preliminary Amendment B, Marked Specification, and Substitute Specification.